

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

OMAR TRIPLET,

Plaintiff,

v.

**9:09-CV-1396
(NAM/TWD)**

**SGT. RENDLE, SGT. R. MYERS,
C.O. D. BARRIERE, C.O. D. BEANE,
C.O. MOAK, C.O. J. VARIN,
SGT. SNOW, C.O. L. BEZIO,
SGT. LECLAIRE,**

Defendants.

APPEARANCES:

OF COUNSEL:

Omar Triplett
01-A-2100
Five Points Correctional Facility
Caller Box 119
Romulus, NY 14541
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Office of the Attorney General
State of New York
Department of Law
The Capitol
Albany, NY 12224
Counsel for Defendants

BRIAN J. O'DONNELL, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 9th day of February 2012. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the

parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendants' motion for summary judgment (Dkt. No. 42) is denied.
3. The Plaintiff's request to voluntarily dismiss defendant Leclaire (Dkt. No. 69) is granted.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 16, 2012
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge